

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	George M. Marovich	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 3712	DATE	8/19/2008
CASE TITLE	Martin v. Radford, et. al		

DOCKET ENTRY TEXT:

Petitioner Martin's petition to proceed *in forma pauperis* [7] is denied. Martin's complaint will not be considered filed unless and until he pays the filing fee.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Petitioner James Martin ("Martin") seeks leave to file *in forma pauperis* his complaint against Bennie Radford, Ni Robinson and Elroy Reed.

Under 28 U.S.C. § 1915, when determining whether a petitioner may proceed *in forma pauperis*, the Court engages in a two-step analysis. First, the Court examines whether the petitioner has sufficiently demonstrated that he is impoverished within the meaning of the statute. *Nietzke v. Williams*, 490 U.S. 319, 324 (1989). Second, the Court determines whether the complaint is frivolous. *Denton v. Hernandez*, 540 U.S. 25, 31 (1992); *Nietzke*, 490 U.S. at 324.

The Court finds that Martin has failed to demonstrate sufficiently that he is impoverished within the meaning of the statute. In his affidavit, Martin states that he was last employed in July of 1997, when he earned \$1,900.00 per month. He further states that he has no assets. He states that in the last twelve months, he has received no money as gifts, wages, government support or from any other sources. Yet, he states that he rents a room and helps his children when he can. Furthermore, in his complaint, Martin alleges that he had a job in 2006. The Court finds Martin's assertions of poverty not to be credible and, accordingly, denies his petition to proceed *in forma pauperis*.

Should Martin wish to pursue this lawsuit, he must pay the filing fee. His complaint will not be considered filed unless and until he pays the filing fee.